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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.623 OF 2005
IN
APPEAL FROM ORDER NO.790 OF 2004
IN
S.C. SUIT NO.1836 OF 2004

Prakashchandra Shivlal Shah ... Applicant

V/s.

Hussain Ali Musabhai Kapadia ... Respondent

Mr.Pradeep Ramchandani for Applicant
Mr.R.S. Jadhav for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 25, 2005**

P.C.:

. This Civil Application has been filed for setting aside the order of the Court Receiver fixing the royalty at Rs.10,000/- per month in respect of the suit premises. A submission is made that the Respondent, i.e., the original appellant/original defendant had in his written statement before the Court Receiver stated that in 1997, the monthly compensation was Rs.7,500/- for the suit premises of 250 sq.ft. area, and therefore, this amount should have been fixed as royalty.

2. The Court Receiver while passing the order has taken into consideration the fact that the suit premises are located in a prime area and although royalty as suggested by the plaintiff should be Rs.25,000/-, the Court Receiver has fixed it at Rs.10,000/- per month. While doing so, the Court Receiver has considered all the relevant factors including the fact that the premises are in a prime area.

3. In such circumstances, I do not find any reason to interfere with the order passed by the Court Receiver. Civil Application is dismissed.